



Entered on Docket  
September 08, 2009

A handwritten signature in black ink, appearing to read "Gregg W. Zive", is located to the right of the docket entry.

Hon. Gregg W. Zive  
United States Bankruptcy Judge

NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE  
State Bar # CA 117234  
WILLIAM B. COSSITT, #3484  
OFFICE OF THE UNITED STATES TRUSTEE  
300 Booth Street, Room 2129  
Reno NV 89509  
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Attorney for Acting United States Trustee  
Sara L. Kistler

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:	)	Case no: BK-N-09-52177-GWZ
	)	Case no: BK-N-09-52178-GWZ
WES CONSTRUCTION CO.,	)	Case no: BK-N-09-52181-GWZ
HEAVY EQUIPMENT SERVICES, LLC,	)	(Jointly Administered Ch. 11's)
and TRUCKING SERVICES, LLC,	)	
	)	<b>ORDER DENYING</b>
	)	<b>APPLICATION TO EMPLOY</b>
	)	<b>ATTORNEY FOR DEBTORS</b>
	)	
	)	Hearing Date: August 26, 2009
	)	Hearing Time: 10:00 a.m.
Debtor.	)	

The Application To Employ Attorney For Debtors (the "Application") was properly noticed and came on for hearing at the above stated date and time. Alan R. Smith, Esq., appeared for himself as the Applicant and on behalf of the Debtors. Aaron Bart Fricke, Esq., appeared as special counsel for the Debtors and Officers of the Debtors were also present. William B. Cossitt, Esq., appeared on behalf of the Acting United States Trustee ("US Trustee"). Bruce T. Beesley, Esq., and Laury M. Macauley, Esq., appeared on behalf of MB Financial Bank. John White, Esq., appeared as

1 proposed counsel for the Unsecured Creditors Committee.

2 The Court put its findings of fact and conclusions of law on the record in open court,  
3 pursuant to Federal Rule of Civil Procedure 52 made applicable by Federal Rule of Bankruptcy  
4 Procedure 7052. The Court has supplemented those findings and conclusions with written findings  
5 and conclusions on file herein. **NOW THEREFORE,**

6 **IT IS HEREBY ORDERED** that the Application to approve Alan R. Smith, Esq., as  
7 counsel for the Debtors is DENIED.

8 Respectfully submitted,

9 Nicholas Strozza, State Bar # CA 117234  
10 William B. Cossitt, State Bar #3484  
11 300 Booth Street, #2129  
Reno NV 89509  
(775) 784-5335

12 /s/ **WILLIAM B. COSSITT**

13 Attorneys for Acting United States Trustee  
14 Sara L. Kistler

15 APPROVED/DISAPPROVED this \_\_\_\_ day of \_\_\_\_, 2009

16 \_\_\_\_\_  
17 ALAN R. SMITH, ESQ.

18 APPROVED/DISAPPROVED this \_\_\_\_ day of \_\_\_\_, 2009

19 /s/ BRUCE T. BEESLEY

20 BRUCE T. BEESLEY, ESQ. Counsel for  
MB Financial Bank

21 APPROVED/DISAPPROVED this \_\_\_\_ day of \_\_\_\_, 2009

22 /s/ AARAN B. FRICKE

23 AARON B. FRICKE, ESQ., special counsel  
24 for the Debtors

25 APPROVED/DISAPPROVED this \_\_\_\_ day of \_\_\_\_, 2009

26 /s/ JOHN WHITE

27 JOHN WHITE, ESQ., proposed counsel  
28 for the Unsecured Creditors Committee

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9 Nicholas Strozza, State Bar # CA 117234  
10 William B. Cossitt, State Bar #3484  
11 300 Booth Street, #2129  
12 Reno NV 89509  
13 (775) 784-5335

12 /s/ **WILLIAM B. COSSITT**

13 Attorneys for Acting United States Trustee  
14 Sara L. Kistler

15 APPROVED/DISAPPROVED this \_\_\_ day of \_\_\_\_, 2009

16   
17 ALAN R. SMITH, ESQ.

18 APPROVED/DISAPPROVED this \_\_\_ day of \_\_\_\_, 2009

19 BRUCE T. BEESLEY, ESQ. Counsel for  
20 MB Financial Bank

21 APPROVED/DISAPPROVED this \_\_\_ day of \_\_\_\_, 2009

22 AARON B. FRICKE, ESQ., special counsel  
23 for the Debtors

24 APPROVED/DISAPPROVED this \_\_\_ day of \_\_\_\_, 2009

25 JOHN WHITE, ESQ., proposed counsel  
26 for the Unsecured Creditors Committee

27  
28 ###